



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 17 2017

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply To: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Notice of Violation

The Honorable Cleo Gallegos
Mayor
City of Heyburn
P.O. Box 147
Heyburn, Idaho 83336

Re: Inspection of City of Heyburn WWTF in Response to Citizen Complaint
NPDES Permit Number ID-002094-0

Dear Mayor Gallegos:

On November 29, 2001 the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Heyburn ("City") for its wastewater treatment facility ("Facility"), NPDES Permit Number ID-002094-0 ("Permit"). The Permit became effective on January 7, 2002, and expired on January 8, 2007. Subsequently, the Permit was administratively extended. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, and the August 19, 2016 inspection, conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit following an anonymous citizen's complaint. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed DMRs from July 2014 through January 2017 and identified effluent limitation exceedances that constitute 326 violations of the CWA, 33 U.S.C. § 1251 et seq. A list of these violations is enclosed (Enclosure).
2. Part II.C of the Permit states, in part, "Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or an equivalent. The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month."

Upon review of administrative files from July 2014 through January 2017, EPA discovered that the Facility submitted two DMRs late. The DMR for the July 2014 monitoring period,

due on August 10, 2014, was received on September 25, 2014. The DMR for the March 2016 monitoring period, due April 10, 2016, was received on January 23, 2017. Late submittal of DMRs is a violation of Part II.C of the Permit.

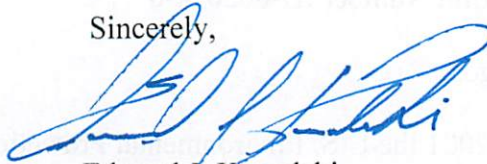
AUGUST 2016 INSPECTION

At the time of the inspection, the inspector did not find any evidence that would substantiate the allegations of the complaint.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosure

1. Effluent Exceedance Violations

By email

cc w/o encl: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

By email

cc w/ encl: Mr. Dave Anderson
Idaho Department of Environmental Quality

Ms. Maria Lopez
Environmental Protection Agency

Mr. Ralph Martini
City of Heyburn WWTP

Enclosure 1
Effluent Exceedance Violations

Month	Parameter Code and Name	DMR Value	Permit Limit	Unit	Limit Type	# Violations
July 31, 2014	Phosphorus, total [as P]	6.90	5	lb/d	Mo Avg	31
July 31, 2014	Phosphorus, total [as P]	10.80	10	lb/d	Wkly Avg	7
February 29, 2016	Solids, total suspended	42.25	30	mg/L	Mo Avg	29
February 29, 2016	Solids, total suspended	156	45	mg/L	Wkly Avg	7
February 29, 2016	Solids, total suspended	194.25	165	lb/d	Mo Avg	29
February 29, 2016	Solids, total suspended	744	248	lb/d	Wkly Avg	7
February 29, 2016	Solids, suspended % rmv	72	85	%	Mn % Rmv	29
May 31, 2016	Solids, total suspended	61	45	mg/L	Wkly Avg	7
June 30, 2016	Solids, total suspended	76	30	mg/L	Mo Avg	30
June 30, 2016	Solids, total suspended	160	45	mg/L	Wkly Avg	7
June 30, 2016	Solids, total suspended	249	165	lb/d	Mo Avg	30
June 30, 2016	Solids, total suspended	609	248	lb/d	Wkly Avg	7
June 30, 2016	Solids, suspended % rmv	69	85	%	Mn % Rmv	30
August 31, 2016	Solids, total suspended	39.25	30	mg/L	Mo Avg	31
August 31, 2016	Solids, total suspended	109	45	mg/L	Wkly Avg	7
August 31, 2016	Solids, total suspended	211.75	165	lb/d	Mo Avg	31
August 31, 2016	Solids, total suspended	600	248	lb/d	Wkly Avg	7